

Submitted July 13, 2005
Approved As Amended
Date July 13, 2005

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 11-05
Wednesday, June 8, 2005**

The City of Rockville Planning Commission convened in regular session in the City Hall Council Chamber Room at 7:00 p.m., Wednesday, June 8, 2005.

PRESENT

John Britton, Chair
Gerald Holtz Steve Johnson
Kate Ostell Robin Wiener

Absent: Frank Hilton

Present: Art Chambers, Director of Community Planning & Development Services
Deane Mellander, Acting Chief of Planning
Sondra Block, Assistant City Attorney
Castor Chasten, Planner III
Sandra Marks, Transportation Division
Rebecca Torma, Planner II
Jeremy Hurlbutt, Planner I

Commissioner Britton announced that three members of the Commission would not be available for the June 22 meeting. The three remaining members for the next session would not constitute a quorum. Therefore, there will be no meeting on June 22.

After further discussion with staff, it was decided that the Commissioners and staff would discuss the schedule for the next Commission meeting, which may be on June 28 or June 29.

RECOMMENDATION TO THE MAYOR AND COUNCIL

Street Closing & Abandonment SCA2005-00093, Rockville Housing Authority

The applicant proposes to abandon portions of the right-of-way for Moore Drive in connection with the redevelopment of the property located on both sides of Moore Drive.

Mr. Hurlbutt presented the staff report. He noted that the abandonment is needed to allow for changes in the alignment of the roadway by shifting the roadway to the north and to provide drainage improvements for the approved Lincoln Terrace PRU. Mr. Hurlbutt noted that there were minor changes to the staff report, which would not affect the project's proposal. He pointed out changes.

Commissioner Ostell asked if this road was a public road. Mr. Mellander replied that it would be a street like some other streets where they are back to curb-back to curb in the public right-of-way. Mr. Mellander stated that an HOA will be created as part of the Lincoln Terrace project and it will be responsible for the maintenance of the road.

Ms. Yum Yu Chang, Attorney with Linowes and Blocker presented the applicant's request. She introduced the applicant's representatives.

Karen Carpenter, civil engineer with Apex Engineers presented the site plan showing the abandonment. She stated that they would be shifting Moore Drive to the north and there will be a curb and gutter and a sidewalk.

Commissioner Johnson moved, seconded by Commissioner Holtz to recommend approval of Road Abandonment Application SCA2005-0009, Rockville Housing Authority to the Mayor and Council per staff recommendations. The motion passed unanimously.

REVIEW AND ACTION

Waiver Request from Section 25-437 of the Zoning Ordinance

The applicant is asking for a waiver from Section 25-437 of the Zoning Ordinance for an above-ground transformer and transmission lines at Seven Locks Road Tech Center (Montgomery County Department of Public Works & Transportation, 1283 Seven Locks Road).

Mr. Chasten presented the waiver request. He stated that the waiver request is for both the transformer and for the undergrounding of transmission lines. Mr. Chasten stated that Ms. Block just informed him that the Planning Commission does not have authority to authorize waivers for transmission lines. He said he has informed the applicant of this matter.

Mr. Chasten stated that this request tonight is for the above-ground transformer.

In response to Commissioner Britton, Ms. Block stated that there is no provision for a waiver of the ordinance requirement for undergrounding extensions of lines.

In response to Commissioner Ostell, Mr. Chasten explained that this waiver request part of that redevelopment of the Seven Locks property to install new electrical lines as well as new transformers. Ms. Block stated that it is her understanding that the transformer is going to fold.

Michael Lowe presented the request. He said that they want to be able to put a surface mounted transformer at a new facility that is replacing one of the five or six buildings that are on the site.

Greg Lukmire, Architect explained that they are building a new depot building that includes administrative functions and vehicle maintenance and that backs up to I-270. Between I-270 and the building, there is a berm and the building is set back from the berm

about 75 feet. Mr. Lukmire said that there is a mechanical yard that is screened by a wall and that will include a chiller and an emergency generator (all above grade), which would enable the County to operate this building during a disaster when all power is off. Mr. Lukmire said that they are requesting approval to add a transformer for the chiller and emergency generator because there are larger electrical requirements for this new building than the small building that is being replaced.

Commissioner Ostell inquired about the height of the equipment. Mr. Lukmire replied that an 8 foot fence would hide the tallest structure (chiller). Everything will be well hidden from the neighbors.

Commissioner Ostell moved, seconded by Commissioner Wiener to approve Waiver Request from Section 25-437 of the Zoning Ordinance per staff recommendations. The motion passed unanimously.

Use Permit Application USE2005-00687, Alan Yanaway (Montgomery College)

The applicant is requesting a use permit to construct an interim surface parking lot at 850 Hungerford Drive, currently owned by Montgomery County Public Schools (MCPS). The proposed parking lot is being constructed for the community college's use for student and staff parking needs, until structured parking facilities can be constructed on campus.

Mr. Chasten presented the staff report. He noted that the Planning Commission reviewed this application in January 2005 as a special exception. Mr. Chasten stated that the applicant is asking for approval for the expansion of existing surface parking facilities located on the subject property, the former George Washington Carver High School property, which today serves as the MCPS Board of Education headquarters. Mr. Chasten stated that the property has street frontage along Mannakee Street and Hungerford Drive. Vehicular access to the overall site and the parking lot that will be expanded is via Mannakee Street.

Mr. Chasten stated that a total of 438 new parking spaces would be created under the expansion proposal. Once completed, there would be a total of 719 parking spaces provided. All but 30 of the new 438 parking spaces created would be for the exclusive use of MCC students and staff. The remaining 281 parking spaces, plus the noted 30 new spaces will be designated for the use of MCPS Board of Education staff and visitors.

Mr. Chasten noted that, in accordance with SPX2004-00351, site lighting must be installed to ensure that there be no glare or light spillage onto abutting roadways and onto neighboring residential and non-residential properties. Although the parking lot is being constructed as an interim facility, the college has a renewable ten-year lease on the property from the Board of Education. No other site improvements or site alterations are proposed to the Carver Center property.

Commissioner Johnson inquired whether there was traffic study required for this site. Mr. Chasten replied that a traffic analysis was presented at the special exception stage.

In response to Commissioner Johnson, Ms. Marks stated that the parking lot does not generate additional trips; it only accommodates an existing deficit in parking. Commissioner Johnson argued why 400 extra parking spaces would not generate more traffic. Ms. Marks explained that the College is ultimately planning to add additional parking spaces and at that time, staff would be looking at the new uses for impacts of additional trips that would be generated.

Mr. Chasten stated that sometime in the future, the County Board of Education might be asked to reserve 12 feet for the right-of-way along the frontage of the property on Route 355. Ms. Marks replied that the 12 feet of right-of-way is for a future time in order to widen the road and improve the capacity.

Commissioner Ostell inquired about Condition 2 regarding the pedestrian crosswalk across Mannakee Street. Ms. Marks explained that they wanted to funnel everyone to one point and install a fence around the stormwater management facility in order to channel everyone to the crosswalk, which would also be well lighted. Ms. Marks stated that staff does not recommend raised crosswalks on Class I roads or higher for the reason that are a major route for busses and emergency vehicles.

Commissioner Britton noted that the staff report mentioned that there were a couple of concerned citizens from the neighborhood, who testified at the Board of Appeals meeting. He asked if staff had received any calls with regard to this meeting. Mr. Chasten replied that he had not received any calls.

In response to Commissioner Britton, Mr. Chasten noted that the stormwater management pond would be for both water quality and quantity.

Commissioner Ostell asked about the streetlights. She said she has read about a new kind of lighting that the City is putting in with fewer glares. Mr. Chasten stated that the Department of Public works is reviewing these new lights.

John McLean, Director of Capital Planning and Design representing Montgomery College talked about the current parking issue on campus and an arrangement with the City to use the Rockville Swim Center parking lot to accommodate the students because of the lack of parking spaces on campus. There is shuttle service to the college from the Swim Center. Mr. McLean noted that they plan to build a new science building adjacent to the duck pond on the campus. The building would crossover, and encroach on the adjacent parking lot on the front of the campus, and, during construction period, parking spaces would be lost, and at the final site design, they anticipate that they would lose parking as well. Therefore, this proposed parking lot is to help the College to address that matter ahead of that activity. Funding for the Rockville Science building has been approved by the County and State level for FY06. Therefore, the design money will be in their hands this July and they anticipate having an architect on board by this fall. In addition, as they address the enrollment growth on the campus, they are anticipating structured parking at the College. They are looking for ways to avoid a costly new facility. They are working with the campus administration about options for additional surface parking on the campus or they

are looking at structured parking in the future. He talked about the near term projects. Mr. McLean stated that they are also concerned about the crosswalk across Mannakee Street.

Commissioner Ostell asked about the additional screening to separate the parking lot from the townhouses. Mr. Ernest Peek, Project Manager with WEDGCO Engineering, Inc. stated that six evergreens are planned for the screening and they are working with staff. He said that they plan to put in American hollies about six feet high. In addition, the signal box would not be placed in the middle of the sidewalk.

Commissioner Ostell talked about the sidewalk along Route 355. Mr. Peak stated that the 8-foot land strip is between road and sidewalk. Commissioner Ostell asked if they would put in the crosswalk with flashing lights. Mr. McLean replied he would put in whatever is appropriate and acceptable for the crosswalk.

The Commission discussed concerns regarding student parking in the neighborhood, increase in enrollment, the cost of building a parking facility, College sharing its parking lot with the City's Swim Center in during summer months, whether the College was leasing parking spaces in the College Plaza shopping center, and identifying a need for the proposed parking lot expansion.

Mr. Chasten explained that the College would have to take that if there was an arrangement made to share the College parking lot with the Swim Center during the summer, if may be necessary to take that matter back to the Board of Appeals because that proposal was not presented in the Special Exception.

Brigitta Mullican, 1947 Lewis Avenue, reiterated the need for additional parking spaces from the students' point of view. She said she attended evening classes at the College for 7 years and always had a problem with parking at night. She noted that there was not a lot of time to go looking for a parking space before class. Ms. Mullican confirmed that there is a real need for this parking lot expansion.

Harry Thomas, 1121 Lewis Avenue, inquired when that college would begin construction of the parking facilities. Commissioner Britton replied not soon.

Ms. Block reminded the Commission that the Board of Appeals has already made the determination on appropriateness and compatibility with the College's Master Plan. Since those findings have been made, the Commission's review is limited to looking at how the College proposes to implement the expansion and those issues that have not been determined by the Board of Appeals. The issue of whether or not this is appropriate has been decided.

Commissioner Holtz moved, seconded by Commissioner Wiener to approve Use Permit Application USE2005-00687, Alan Yanaway (Montgomery College) with the condition that was suggested in terms of lighted pedestrian crosswalk. Mr. Chasten stated that the condition should read, "Install an illuminated crosswalk or other safety devices at the crosswalk across Mannakee Street as determined by DPW." After further discussion

regarding the pedestrian crosswalk, the motion passed on a vote of 3-1-1 with Commissioners Britton voting nay and Johnson abstaining.

Detailed Application CPD2005-002AK, King Farm Associates

The applicant is proposing to construct a ten-story 352,565 square foot office building with a seven level parking garage. The building is located on 3.73 acres of land at the northwest corner of the intersection of King Farm Boulevard and Piccard Drive.

Ms. Torma presented the staff report. Ms. Torma stated that this application is consistent with the PDP. She noted that Condition 12 has been eliminated because it was a carry over from the F4 project. Ms. Torma said that staff met with the Mayor and Council on Monday and they had no issues with this proposal, but they did suggest that the applicant work with Upper Rock to tie in the bulk of the proposal for street connection between the two projects.

Commissioner Ostell questioned the number of shower facilities and bike parking spaces provided. Ms. Marks replied that when the CPD for King Farm was submitted, there was a comprehensive TDM plan which outlines those numbers and that is consistent with that plan.

Barbara Sears presented the applicant's request. She presented two issues to the Planning Commission – one is the bike lockers and showers. Ms. Sears explained that they did do a comprehensive TMD agreement for the Irvington Center developed under the shuttle bus system. She explained that each building has bike lockers and racks, and shower facilities. There has been no demand above what has been provided. Ms. Sears said that one of the conditions that they would like to call to the Commission's attention is Condition 9. Currently, there are no carpool spaces beyond van pool spaces that TMD agreement calls for and they were asked to work with staff to provide an additional condition that the applicant provide carpool spaces at priority locations per Department of Public Works approval as needed on the site. Ms. Sears said that they would like to suggest is to try to limit those spaces up to 10 spaces because their experience has been that that would more than adequately address the demand that they have experienced in the three buildings that have been built. The problem with leaving it open ended is it is difficult to try to work with tenants and identify parking that is reserved for those tenants, but not be able to say what they can and can't have because they do not know the final number of the priority spaces. Ms. Sears recommended putting a cap on that number. Ms. Sears asked for more of a clarification on Condition 11 regarding the location for the bus stop/shuttle. She clarified that the applicant must show the location for the bus stop shuttle refuge area under the arcade and entry canopy for passenger assembly and that is consistent with the pattern of development for all four of the office buildings.

Mr. Patton, Architect, presented the photograph of the F-5 office building, which is a ten story building. He explained that the architecture of the F-5 project is simply a continuation of the F-3 building. The F-5 building picks up the same massing design features and materials that were started in the F-3 building and there are subtle variations to it, but it is matching the palette and all the features that were started. The garage would

match what was done on the F-3 building. This building will match the previously approved F-3 and F-4 office buildings at the King Farm Boulevard and Piccard Drive intersection.

Tim McDonald with King Farm Associates explained that the first two office buildings are 100% leased and the F-3 building is approximately 95% leased. They have been very fortunate that when tenants come into F-1 and F-2 buildings, in a short period of time they grow and they have been able to keep the same tenants in King Farm and that is why they need to keep building more office buildings.

Commissioner Ostell asked about the width of the sidewalks. Ms. Sears said that they vary from 6 – 12 feet.

In response to Commissioner Ostell, Mr. McDonald stated that they have extended Piccard Drive from King Farm Boulevard all the way around to Gaither Road. The stub has been made up to Choke Cherry Road. The developer on the north side of Piccard Drive has not completed their work that would allow the barriers to be removed by the Department of Public Works.

In response to Commissioner Ostell, Ms. Torma explained that the only concern the Mayor and Council had with the project was for staff to work with the Upper Rock developers to have connection between the two projects. Ms. Torma said that staff was going to put in a condition and ask the applicant to coordinate with them when they do decide to plan a connection. Ms. Sears stated that the issue that was raised was a pedestrian connection. The anticipation was if there were a connection, it would have to be worked out with the City on the land that is platted. Ms. Sears discussed other obstacles involved in making the pedestrian connection.

Commissioner Holtz questioned staff response to Conditions 9 and 11. Ms. Marks stated that Condition 9 is a reasonable request for carpool spaces. She noted that staff did not want to put a cap on the spaces, but staff agreed that unless there was a need, staff would require the applicant to provide empty carpool spaces for if there is a need, they would like to have that flexibility that they would be providing those spaces to carpoolers. Ms. Marks explained that Condition 11 regarding the location for bus stop/shuttle refuge area is to make sure that there is a safe protected place for people to wait for the shuttle. Ms. Marks stated that staff would agree to the applicant locating the shuttle refuge area under the arcade and entry canopy. She noted that she did not see that in the plan.

Commissioner Britton said he was not sure about changing the language in Conditions 9 and 11. He said that, without changing the language, it would still satisfy the applicant's purposes. Keeping the language the same would allow the City in the event there is a different situation for staff to confirm that the canopy will work. Commissioner Britton said that he would prefer not setting a cap on the carpool spaces in Condition 9. Ms. Sears replied that not having a cap on the number of spaces leaves them in a dilemma because there is not a demand. She said she feels that 10 spaces would be enough.

In response to Commissioner Holtz, Mr. McDonald stated that the upper most decks of the two garages are completely empty. The next level down is almost half empty. He said the shuttle bus has been terrific. He believes the majority of tenants are using some form of mass transit.

After further discussion, Commissioner Holtz moved, seconded by Commissioner Johnson to approve Detailed Application CPD2005-002AK, King Farm Associates per staff recommendations including a condition that reads "Applicant to work with the Planning staff and the developer of the adjacent property (Upper Rock) to explore means providing a pedestrian connection from the Upper Rock site to Piccard Drive. This effort shall not delay implementation of the approved detailed application. This may entail use of the Forest Conservation parcel that is being conveyed to the City and without loss of forest conservation credit to the King Farm." and deletion of Condition 12. The motion passed unanimously.

Use Permit Applications USE2005-00684, 685 & 686, Twinbrook Commons LLC

The applicants are proposing to build 100,000 square feet of retail, 325,000 square feet of office and 418 apartments in two buildings with detached parking structure located at the east side of Chapman Avenue between Thompson Avenue & Halpine Road.

Mr. Mellander presented an overview of the staff report. He said this application includes three separate use permits.

Commissioner Britton said he received a note from Mr. Reitz asking for a clarification as part of the plan for Twinbrook Commons and JBG on a series of discussions with the communities including Cambridge Walk I and II, specifically, there was to be a 7 foot high iron fence and linear park with lights reflecting down. He asked if there has been any modification to this development. Commissioner Britton stated that the Commission just received a supplemental staff report and, obviously, it would not be possible for them to look at this in any consideration. He asked staff to highlight what the supplement staff report contains.

Mr. Mellander explained that there are three use permits filed for this project. He said the first use permit (USE2005-00686) Suburban Propane site, which is going to be a temporary parking lot for Metro; the second use permit (USE2005-00684) is for the balance of the project on the east side of Metro tracks and the third use permit (USE2005-00685) is the area between the Metro tracks and Chapman Avenue on the west side. However, because of the way the applicant needs to phase the construction of the project to meet the requirements of Metro to maintain sufficient amount of parking spaces, staff is doing portions of the east side and west side use permits this evening, plus the Suburban Propane site. The balance of the use permits for the east and west side will be brought before the Commission at its next meeting.

Ms. Torma explained the segments of the use permits.

In response to Commissioner Ostell, Mr. Mellander replied that the Commission would be voting on the portions of the three use permits tonight.

Pat Harris, Attorney, explained that the phasing plan was a computation of the 17 items. Ms. Harris stated that the 17 items have been seen by the public. They have not changed.

Commissioner Britton affirmed that there is a serious public notification issue tonight.

The Commission discussed the possibility of deferring the vote until the next Commission meeting based on what they received from staff this evening as well as making sure adequate notification is sent to the public.

Commissioner Britton discussed the date. He said the Commission would check schedules tomorrow for June 27 or 28 for a special meeting.

Commissioner Ostell requested a final version of the PDP Plan for the next meeting.

Commissioner Britton stated that staff would set a special meeting for possibly Tuesday, June 28.

COMMISSION ITEMS

Chief of Planning Report

Mr. Mellander reported that the Mayor and Council are expecting to have a worksession on June 20 to discuss reviving the APFO and to consider the possibility of an impact fee for the City. All of these would be coming before the Commission for some consideration at some point. The Mayor and Council will be holding a public hearing on the APFO on August 1.

Mr. Mellander discussed an August Planning Commission meeting date. It was decided that the Planning Commission meeting would be scheduled for August 17.

Mr. Mellander reported that the Planning Division has a new Zoning Ordinance planner, Somer Cross, who will report full time the end of July 2005.

Mr. Mellander announced that there is short-term difficulty in providing information to the public because all the files have been removed for scanning during the renovation of City Hall.

Approval of Minutes

Commissioner Johnson moved, seconded by Commissioner Holtz to approve the minutes of Meeting No. 10-05 as written.

ADJOURN

After further discussion, the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Tyler Tansing, Commission Secretary